

SPF requires USPS authorization under 2.3 and mailer use of a unique ACS/SPF identifier as part of an address block keyline. The keyline mail must be left-justified (below the optional endorsement line, if used), and must begin with a pound sign (#) delimiter, followed by the 4-character code indicating the weight and rate category of the piece, up to 12 characters of optional customer information (the last of which is a check digit), and a closing # delimiter. (ACS participants must use the specific ACS/SPF identifier and keyline format to participate in ACS/SPF.) For information, write to USPS ACS/SPF, National Customer Support Center.

2.3 Availability of ACS and ACS/SPF

Where mail is marked with ACS symbols under M013, ACS and ACS/SPF are available to authorized mailers who maintain their address records on computers and whose mail bears the correct endorsement to obtain address correction and nonlocal fourth-class forwarding. ACS and ACS/SPF are available on the frequency requested by the mailer. Because ACS and ACS/SPF are associated with USPS-computerized forwarding operations, these services are not available at all post offices. Information about ACS or SPF (including application) is available from: USPS Address Change Service, National Customer Support Center.

[Renumber existing 2.3 and 2.4 as 2.4 and 2.5, respectively; no change in text]

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3.0 SENDER INSTRUCTION

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3.2 Special Services

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e. Insured fourth-class mail without any other endorsement is forwarded at no charge locally and postage-due nonlocally if the recipient guarantees to pay forwarding postage. Insured fourth-class mail endorsed for ACS/SPF under 2.2 is forwarded at no charge to the addressee. (For forwarding, local means within the same post office.) If the article is undeliverable, the USPS returns it to the sender with the new address or the reason for nondelivery. The sender is charged for the return of the mailpiece and the attempted forwarding, when appropriate.

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M013 Optional Endorsement Lines

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2.0 FORMAT

2.1 Presort Identification

Except when an address block barcode is placed above the optional endorsement line, the appropriate presort identification must be the first line at the top of the address block or label. Mailers participating in Address Change Service (ACS), including ACS with or Shipper Paid Forwarding (SPF), under F030 may use the first eight positions on the left side of the optional endorsement line for the ACS or ACS/SPF participant code (see Exhibit 2.1). Third-class mailers participating in the EX3C or BBM/SPMS measurement system may use the first 14 positions on the left side of the optional endorsement line for the measurement system code specified by the USPS for that program.

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2.4 Non-ACS, Non-EX3C, and Non-BBM/SPMS Labels

On labels not used with ACS (including ACS/SPF), EX3C, or BBM/SPMS, the optional endorsement line must be filled with asterisks from the left margin of the label or address block (as defined by the position of the first character printed in the address block or on the address label) up to the first character in the optional endorsement line.

2.5 ACS and ACS/SPF Labels

On labels used with ACS or ACS/SPF, the delimiter # must be in the first position at the left margin of the optional endorsement line, followed by the seven-character ACS or ACS/SPF participation code assigned by the USPS; the remaining space between the code and the first character of the makeup information must be filled with asterisks. The keyline required on ACS/SPF mail under F030 must be left-justified below the optional endorsement line.

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An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95-2255 Filed 1-31-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA37-10-6602; FRL-5148-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: EPA is proposing a limited approval and limited disapproval of a revision to the California State Implementation Plan (SIP) for ozone. The revision concerns the control of oxides of nitrogen (NO_x) from internal combustion (I/C) engines. The intended effect of proposing limited approval and limited disapproval of this rule is to regulate emissions of NO_x in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this notice of proposed rulemaking will incorporate this rule into the federally approved SIP. EPA has evaluated this rule and is proposing a simultaneous limited approval and limited disapproval under provisions of the CAA regarding EPA actions on SIP submittals and general rulemaking authority because these revisions, while strengthening the SIP, also do not fully meet the CAA provisions regarding plan submissions and requirements for nonattainment areas.

DATES: Comments on this proposed action must be received in writing on or before March 3, 1995.

ADDRESSES: Comments may be mailed to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rule revision and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Santa Barbara County Air Pollution Control District, Rule Development Section, 26 Castilian Drive B-23, Goleta, CA 93117.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

FOR FURTHER INFORMATION CONTACT: Wendy Colombo, Rulemaking Section

(A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1202.

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. The air quality planning requirements for the reduction of NO_x emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA. On November 25, 1992, EPA published a NPRM entitled "State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," (the NO_x Supplement) which describes and provides preliminary guidance on the requirements of section 182(f). The November 25, 1992, notice should be referred to for further information on the NO_x requirements and is incorporated into this document by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_x ("major" as defined in section 302 and sections 182 (c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. Santa Barbara County is classified as moderate;¹ therefore this area was subject to the RACT requirements of section 182(b)(2) and the November 15, 1992 deadline, cited below.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC (and NO_x) emissions (not covered by a pre-enactment control technologies guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There were no NO_x CTGs issued before enactment and EPA has not issued a CTG document for any NO_x sources since enactment of the CAA. The RACT rules covering NO_x sources and submitted as SIP revisions, are expected to require final installation of the actual NO_x controls as expeditiously as practicable, but no later than May 31, 1995.

This document addresses EPA's proposed action for Santa Barbara

County Air Pollution Control District (SBCAPCD), Rule 333, Control of Emissions from Reciprocating Internal Combustion Engines. SBCAPCD adopted Rule 333 on December 10, 1991. The State of California submitted the rule being acted on in this document on June 19, 1992. Rule 333 was found to be complete on August 27, 1992 pursuant to EPA's completeness criteria that are set forth in 40 CFR Part 51 Appendix V² and is being proposed for approval into the SIP.

NO_x emissions contribute to the production of ground level ozone and smog. Rule 333 controls emissions of NO_x, carbon monoxide (CO), and reactive organic compounds (ROC) from internal combustion engines in Santa Barbara County used in a wide variety of applications, but primarily at oil and gas production and processing facilities. The engines are used to power various types of industrial equipment such as oil well rod pumps, rock crushing equipment, conveyor belts, gas compressors, waste water treatment pumps, etc. Rule 333 was adopted as part of SBCAPCD's efforts to achieve the National Ambient Air Quality Standards (NAAQS) for ozone and in response to the CAA requirements cited above. The following is EPA's evaluation and proposed action for these rules.

EPA Evaluation and Proposed Action

In determining the approvability of a NO_x rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110, and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans). EPA's interpretation of these requirements, which forms the basis for this action, appears in the NO_x Supplement (57 FR 55620) and various other EPA policy guidance documents.³ Among these provisions is the requirement that a NO_x rule must, at a minimum, provide for the implementation of RACT for major stationary sources of NO_x emissions.

For the purposes of assisting state and local agencies in developing NO_x RACT rules, EPA prepared the NO_x

Supplement to the General Preamble. In the NO_x Supplement, EPA provides preliminary guidance on how RACT will be determined for stationary sources of NO_x emissions. While most of the guidance issued by EPA on what constitutes RACT for stationary sources has been directed towards application for VOC sources, much of the guidance is also applicable to RACT for stationary sources of NO_x (see section 4.5 of the NO_x Supplement). In addition, pursuant to section 183(c), EPA has issued alternative control technique documents (ACTs) that identify alternative controls for all categories of stationary sources of NO_x. The ACT documents provide information on control technology for stationary sources that emit or have the potential to emit 25 tons per year or more of NO_x. However, the ACTs will not establish a presumptive norm for what is considered RACT for stationary sources of NO_x. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted NO_x RACT rules meet Federal RACT requirements and are fully enforceable and strengthen or maintain the SIP.

Rule 333 applies to existing and new I/C engines with rated brake horsepower of greater than or equal to 50 which are fueled by natural gas, field gas, liquified petroleum gas, diesel, gasoline, or any other liquid fuel. The rule limits NO_x emissions from noncyclic rich-burn engines to 50 parts per million (ppm) and from noncyclic lean-burn engines to 125 ppm. For cyclic engines, the NO_x limit is also 50 ppm, while the limit for diesel engines is 8.4 grams per brake horsepower-hour (g/bhp-hr). Final compliance with these limits is required by the date of adoption for new engines and March 3, 1994 for existing cyclic and noncyclic engines.

The NO_x limits suggested by the California Air Resources Board (CARB) as reasonably available control technology (RACT) for I/C engines are 50 ppm (90% reduction) for rich-burn engines, 125 ppm (80% reduction) for lean-burn engines, and 8.4 g/bhp-hr for diesel engines. These limits were recommended using information regarding average, actual, uncontrolled levels and previous regulatory control levels in Ventura County, the South Coast Basin, and Santa Barbara County. EPA agrees that these limits, which are incorporated in Rule 333, are consistent with the Agency's guidance and policy for making RACT determinations in terms of general cost-effectiveness, emission reductions, and environmental impacts, and represent RACT for these sources in Santa Barbara County.

² EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

³ Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register Notice**" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988).

¹ The Santa Barbara County Area retained its designation of nonattainment and was classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

In evaluating the rule, EPA must also determine whether the section 182(b) requirement for RACT implementation by May 31, 1995 is met. The rule is written such that final compliance is required 2.5 years after the date of adoption. Since the rule was adopted in December 1991, final compliance is required by March 1994, thereby meeting the section 182(b) requirement of the CAA.

Although Rule 333, Control of Emissions from Reciprocating Internal Combustion Engines, will strengthen the SIP, the rule contains deficiencies related primarily to the lack of Federal enforceability. These deficiencies include inconsistent applicability cutoffs and exemptions, unenforceable provisions in definitions, inconsistent emission limit requirements, unenforceable alternative emission control plan provisions, and alternative compliance schedule provisions. A more detailed discussion of the sources controlled, the controls required, justification for why these controls represent RACT, and rule deficiencies can be found in the Technical Support Document (TSD) for Rule 333, dated November 1994.

Because of the above deficiencies, EPA cannot grant full approval of this rule under section 110(k)(3) and Part D. Also, because the submitted rule is not composed of separable parts which meet all the applicable requirements of the CAA, EPA cannot grant partial approval of the rule under section 110(k)(3). However, EPA may grant a limited approval of the submitted rule under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also contains a simultaneous limited disapproval. In order to strengthen the SIP, EPA is proposing a limited approval of SBCAPCD's submitted Rule 333 under sections 110(k)(3) and 301(a) of the CAA as meeting the requirements of section 110(a) and Part D.

At the same time, EPA is also proposing a limited disapproval of this rule because it contains deficiencies which must be corrected in order to fully meet the requirements of section 182(a)(2), section 182(b)(2), section 182(f), and Part D of the Act. Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated nonattainment, based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b)

unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway funding and offsets. The 18 month period referred to in section 179(a) will begin on the effective date of EPA's final limited disapproval. Moreover, the final disapproval triggers the Federal Implementation Plan (FIP) requirement under section 110(c). It should be noted that the rule covered by this NPRM has been adopted by the SBCAPCD and is currently in effect in Santa Barbara county. EPA's final limited disapproval action will not prevent SBCAPCD or EPA from enforcing this rule.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Limited approvals under section 110 and 301 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, it does not have a significant impact on affected small entities. Moreover, due to the nature of the Federal/State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S. Ct. 1976); 42 U.S.C. section 7410 (a)(2).

The OMB has exempted this regulatory action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: January 23, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 95-2436 Filed 1-31-95; 8:45 am]

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40 CFR Part 52

[WV19-1-6210b, WV11-1-5888b; FRL-5139-4]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia: Title 45 Legislative Rules, Series 21, Regulation to Prevent and Control Air Pollution from Emission of Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the state implementation plan (SIP) revision submitted by the State of West Virginia on August 10, 1993. The revision consists of sections 1 to 9, 11, 12, 14 to 19, 21 to 29, 31, 36, 39, 41 to 48 and Appendix A to Title 45, Series 21 (45CSR21), "Regulations to Control Air Pollution from the Emission of Volatile Organic Compounds" (Series 21). These regulations are necessary to satisfy the Clean Air Act and to support attainment and maintenance of the National Ambient Air Quality Standard (NAAQS) for ozone in West Virginia. In the final rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. **DATES:** Comments must be submitted in writing by March 3, 1995.